

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CSI CONSTRUCTION COMPANY,  
a Colorado corporation,

NO. 4:14-CV-5035-EFS

Plaintiff,

ORDER GRANTING PLAINTIFF'S MOTION  
FOR SUBSTITUTION OF PARTY

v.

CAMPBELL'S SIDING & WINDOWS, an Idaho corporation, and GARY PRICE,

## Defendants.

Before the Court, without oral argument, is Plaintiff's Motion for Substitution of Party, ECF No. 35. On July 20, 2015, Plaintiff notified the Court that one of the defendants in the case, Mr. Gary Price, had died. ECF No. 31. In response, the Court struck the trial and pretrial deadlines and set a deadline for a motion to file a substitution or dismissal. ECF No. 32. Plaintiff now asks the Court to substitute the Estate of Gary Price and its personal representative, Ms. Jennifer Price, as defendants in Mr. Price's place pursuant to Federal Rule of Civil Procedure 25(a)(1).

Rule 25(a)(1) states "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative." In this case, Plaintiff is seeking

1 monetary damages for Mr. Price's alleged breach of contract. ECF No.  
2 1. The Court finds that the Estate of Gary Price and its personal  
3 representative are the proper parties to be substituted in under Rule  
4 25(a)(1). Therefore, the Court grants Plaintiff's Motion for  
5 Substitution of Party, ECF No. 35.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Plaintiff's Motion for Substitution of Party, **ECF No. 35**,  
8 is **GRANTED**.

9 2. Gary Price is terminated as a party, and is to be  
10 substituted with the Estate of Gary Price and its personal  
11 representative Jennifer Price.

12 3. Plaintiff's counsel must send a copy of this order to the  
13 personal representative of the Estate of Gary Price and  
14 must then file a declaration with this Court confirming  
15 that it has been sent and including the address to which it  
16 has been sent.

17 4. The Clerk's Office is directed to amend the case caption as  
18 follows:

19 CSI CONSTRUCTION COMPANY,  
20 a Colorado corporation,

21 Plaintiff,

22 v.

23 CAMPBELL'S SIDING & WINDOWS,  
24 an Idaho corporation, and  
ESTATE OF GARY PRICE AND ITS PERSONAL REPRESENTATIVE  
JENNIFER PRICE

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**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 27<sup>th</sup> day of October 2015.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge